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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,462	07/23/2003	Richard John Szymanski	202-1197	1461
28395	7590	02/10/2005		
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER SOOHOO, TONY GLEN	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,462

Applicant(s)

SZYMANSKI, RICHARD JOHN

Examiner

Tony G. Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-23-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim interpretation

1. With regards to claim 2, the claim points a functional usage of the components to be used in the apparatus system. Whereby the claims are not directed to a method claim. The functional use of a catalyst and base has been considered and deemed as providing little patentable significance to the structural scope defined by the claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Thumm et al 6221332.

The Thumm (et al) reference discloses a two component dispensing/mixing system having a two component sources 162, 162'; a ram metering piston(s) 160, 160' to pressurize the source to flow into the flow meter 106, 106'; a flow meter 106, 106' with a pressure sensor 174, 174' located after the flow meter and that of the mixing chamber 120 and nozzle 121. The Thumm reference also discloses check valves 166, 166' between the supply and the metering ram, and a check valve 182, 182' and shut off valve 180, 180' between the flow meter and mixing chamber 120a.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thumm et al 6221332.

The Thumm (et al) reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of the check valves 166, 160 being shut off valves; the check and shut off valves 180, 182 being a gun valve; and with the exception of the mixing chamber being connected to a robot arm (claim 6).

With regards to the valves, the use of shut off valves, check valves, and gun valves are all old and well known in the art and are of a commonly accepted invention called "valves". This class of invention is common in the art of fluid handling and is old and well known to produce a selective shut off of flow of fluid material. Thereby it can be deemed by the examiner that shut off valves, check valves, and gun valves are common known structural equivalents for a selective stoppage of flow and thus, it is deemed that it would have been obvious to one of ordinary skill in the art without undue experimentation to select any of the known structure of a valve such as the use of shut off valves, check valves, and gun valves to produce an expected result of a selective shut off of flow

With regards to claim 6, the use of robot arms are old and well known in the art to provide a movable support to place a desired dispensing of material, accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide the mixing chamber of the Thumm reference on to a old and well known movable support such as a robot arm so that the mixing chamber and nozzle is more easily positioned to a desired dispensing position.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HIROI 4621927, FAHY 4427298, BELSER 5480589, FEIST 4886643, SCHULTE 4695166, NEILEY, JR 3915438, GOSSELIN 6220747, SAIDMAN 5082142, SOECHTIG 4966466.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony G Soohoo
Primary Examiner
Art Unit 1723
